

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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**SECURITIES AND EXCHANGE COMMISSION,**

**Plaintiff,**

**08-CV-0361S(Sr)**

**v.**

**WATERMARK FINANCIAL SERVICES  
GROUP, INC., et al.,**

**Defendants.**

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**DECISION AND ORDER**

This case was referred to the undersigned by the Hon. William M. Skretny, in accordance with 28 U.S.C. § 636(b)(1)(A), for all pretrial matters, and for hearing and disposition of all non-dispositive motions or applications. Dkt. #35.

By Decision and Order entered January 26, 2009, the Court directed plaintiff and non-party Bethann Zimmerman to resolve their dispute regarding a subpoena *duces tecum* served upon Ms. Zimmerman or avail themselves of the remedies set forth in Rule 45 of the Federal Rules of Civil Procedures no later than February 6, 2009. Dkt. #76.

Plaintiff moves to compel Ms. Zimmerman to comply with the subpoena *duces tecum* generally commanding her to produce and permit inspection and copying of documents from January 1, 2005 to date concerning her own financial accounts, any financial documents relating to defendant Gane, and any documents relating to any of

the defendants or relief defendants in this action. Dkt. #100. Ms. Zimmerman has not moved to quash or modify the subpoena.

As a result, and in accordance with Fed. R. Civ. P. 45(c)(2)(B)(i), Ms. Zimmerman is hereby ordered to comply with the subpoena *duces tecum* no later than **March 20, 2009.**

**SO ORDERED.**

DATED: Buffalo, New York  
March 3, 2009

s/ H. Kenneth Schroeder, Jr.  
**H. KENNETH SCHROEDER, JR.**  
**United States Magistrate Judge**